

LEONARD A. SCLAFANI, P.C.

COUNSELLORS-AT-LAW
18 E. 41ST STREET
SUITE 1500
NEW YORK, NEW YORK 10017
(212) 696-9880
TELEFAX: (212) 949-6310

October 5, 2007

Elena Sassower
16 Lake Street - Apt 2C
White Plains, New York 10603

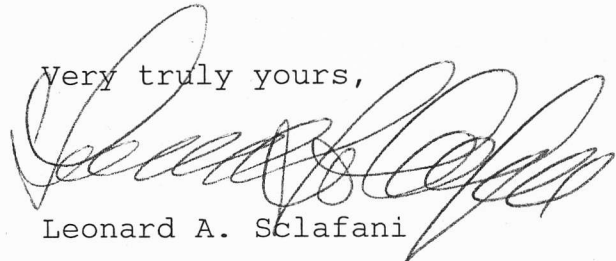
RE: John McFadden v. Elena Sassower
Index #SP1502/07

Dear Ms. Sassower:

Our client, John McFadden, has received your check dated September 30, 2007 in the sum of \$1,660.00. We have directed our client to accept and cash the check in connection with the use of occupancy due and payable for the month of October, 2007 as per the Court's direction and order. As always, Mr. McFadden rejects the statements set forth in your September 30, 2007 cover letter and accepts your check without prejudice to his rights or acquiescence in the truth of anything set forth or implied in your cover letter.

I note that you remain in default in paying court ordered use and occupancy for the months of June and July, 2007, despite your express representation to the Court and the Court's warnings as to the consequences of your failure to abide its orders in this regard.

Very truly yours,



Leonard A. Sclafani

cc: White Plains City Court
John McFadden

SON-1

Elena Ruth Sassower

16 Lake Street, Apt. 2C
White Plains, New York 10603

E-Mail: elenaruth@aol.com

Tel. (914) 949-2169

Fax (914) 428-4994

BY FAX: 212-949-6310 (6 pages)

October 8, 2007

Leonard A. Sclafani, Esq.
18 East 41st Street, Suite 1500
New York, New York 10017

RE: Safeguarding the Integrity of these Proceedings
McFadden v. Sassower, White Plains City Court #SP-1502/07

FILED CITY COURT OF
WHITE PLAINS, N.Y.
2007 OCT -9 A 9: 22

Dear Mr. Sclafani,

This responds to your October 5, 2007 faxed letter.

You indicate "White Plains City Court" as a recipient, presumably to mislead it by your statement:

"I note that you remain in default in paying court ordered use and occupancy for the months of June and July, 2007, despite your express representation to the Court and the Court's warnings as to the consequences of your failure to abide its orders in this regard."

Are you representing to me and the Court that your client did not receive from me two checks, replacing my original checks for June and July 2007 occupancy? Such were enclosed with my August 31, 2007 letter to him -- a copy of which I annexed as Exhibit L-4 to my September 5, 2007 cross-motion.¹

To facilitate your response, a copy of that Exhibit L-4 is enclosed herewith, along with your client's signed receipt for same, annexed as Exhibit EE to my September 11, 2007 affidavit in reply to your opposition to my cross-motion.²

Very truly yours,



ELENA RUTH SASSOWER

Enclosures

cc: White Plains City Court (with my September 30, 2007 letter to Mr. McFadden)
John McFadden

¹ The background facts pertaining to this letter are recited at ¶¶11-29 thereof under the title heading "Mr. Sclafani's Deceit as to the 'Use and Occupancy' Issue".

² The background facts pertaining to my annexing your client's signed certified mail receipt on September 8, 2007 & the initial postal notice of attempted delivery on September 4, 2007 are recited at ¶¶39-51 thereof under the title heading "Mr. Sclafani's Section Entitled 'Petitioner Did Not Receive and has Not Received Payment of June's and July's Use and Occupancy' is a Sanctionable Deceit".

EX N-2

Elena Ruth Sassower

16 Lake Street, Apartment 2C
White Plains, New York 10603

Tel. (914) 949-2169
Fax (914) 428-4994

BY CERTIFIED MAIL/RRR: 7002-2030-0007-8572-9143

August 31, 2007

John McFadden
472 Clearmeadow Drive
East Meadow, New York 11554

Dear John,

Enclosed is my letter of today's date to your attorney, Leonard Sclafani, Esq., to which you are an indicated recipient. Also enclosed are the bank confirmations that it has stopped payment on my two prior checks to you – #444 (for June) and # 446 (for July) – at a cost of \$30 for each check. My replacement checks (#395, #396) to you are additionally enclosed, each reflecting the \$30 deduction.

In view of the falsity of ¶14 of your Petition that “no part” of the “use and occupancy” for June and July had been “received”, I am sending these replacement checks to you certified mail/return receipt – likewise deducting the \$5.21 cost of my establishing your “receipt”. I have divided such sum between the two checks, subtracting \$2.60 from check #395 and \$2.61 from check #396.

Mr. Sclafani's August 22nd letter to me – to which he does not indicate you as a recipient – advises that you will not respond to “the statements, assertions, claims and arguments expressly stated or implied” in my letters to you, “but will reserve any response that may be required for litigation before the Court.” Does this include my repeated offers that we sit down together “to discuss our respective rights and obligations so as to reach a mutually-beneficial resolution of our differences”?

Finally, I enclose a \$1,660 check (#397) to cover my September 2007 occupancy. As set forth by my prior letters to you:

“please deduct the further \$115 from the monies I laid out years ago for purchase and installation of the stove and refrigerator in the good faith belief that these would come off the ultimate sale price of the apartment.

If you prefer, you may also deduct the \$115 from the \$1,660 I paid you for occupancy in June 2006. As you know, I was deprived of fair use and enjoyment of the apartment throughout that month by reason of the major renovations and repairs you unilaterally arranged for and insisted upon, with the promise that you would thereafter negotiate with me the apartment sale.”

Thank you.



Enclosures

EXC-4



Place Stop Payment Confirmation

ELENA SASSOWER

Date: 08/31/2007

Time: 03:59 PM

Customer Name: **ELENA SASSOWER**

Request: Place stop payment for the following item:
Check #(s) 446
JOHN MCFADDEN
Disputed
\$ 1,660.00

Effective Date(s): **08/31/2007 through 02/29/2008**

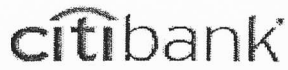
Your letter will be sent to: **16 LAKE STREET Apt 2C**
WHITE PLAINS, NY 10603-3837

Service Charge Amount: **\$ 30.00**

Account to be debited: **INTEREST CHECKING XXXXXXXXX898**

Information provided must be accurate or the stop payment may not be effective.

ELENA RUTH SASSOWER 16 LAKE STREET, APT. 2C WHITE PLAINS, NY 10603-3832		1-8168 210 75345898	396
DATE <u>8/31/07</u>			
PAY TO THE ORDER OF <u>John McFadden</u>		\$ <u>1,627³⁹/₁₀₀</u>	
<u>One thousand + Six Hundred +</u>		DOLLARS	
<u>citibank</u> <u>twenty-seven dollars + thirty-nine</u>		cents	
MEMO <u>replacement for #446 Elena Ruth Sassower</u>		MP	
CITIBANK, N.A. BR. #168 444 MAMARONECK AVENUE WHITE PLAINS, NY 10605			
⑆021000089⑆ 75345898⑈ 0396			



Place Stop Payment Confirmation

ELENA SASSOWER

Date: 08/31/2007

Time: 03:54 PM

Customer Name: **ELENA SASSOWER**

Request: Place stop payment for the following item:
Check #(s) 444
JOHN MCFADDEN
Disputed
\$ 1,660.00
05/31/2007

Effective Date(s): **08/31/2007 through 02/29/2008**

Your letter will be sent to: **16 LAKE STREET Apt 2C**
WHITE PLAINS, NY 10603-3837

Service Charge Amount: **\$ 30.00**

Account to be debited: **INTEREST CHECKING XXXXXXXXX898**

Information provided must be accurate or the stop payment may not be effective.

ELENA RUTH SASSOWER 16 LAKE STREET, APT. 2C WHITE PLAINS, NY 10603-3832		1-8168 210 75345898	395
DATE <u>8/31/07</u>			
PAY TO THE ORDER OF	<u>John McFadden</u>	\$	<u>1,627⁴⁰/₁₀₀</u>
<u>One thousand + six hundred +</u>		DOLLARS	
<u>Twenty seven dollars + fifty cents</u>		MP	
MEMO <u>replaced for #444</u>		<u>Elena Ruth Sassower</u>	
⑆021000089⑆ 75345898⑈ 0395			



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[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **7002 2030 0007 8572 9143**
Status: **Notice Left**

We attempted to deliver your item at 4:21 PM on September 4, 2007 in EAST MEADOW, NY 11554 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

[Additional Details >](#) [Return to USPS.com Home >](#)

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Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



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Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: 7002 2030 0007 8572 9143

Detailed Results:

- Delivered, September 08, 2007, 10:45 am, EAST MEADOW, NY 11554
- Notice Left, September 04, 2007, 4:21 pm, EAST MEADOW, NY 11554
- Acceptance, August 31, 2007, 5:44 pm, WHITE PLAINS, NY 10602

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Notification Options

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Track & Confirm

Enter Label/Receipt Number.

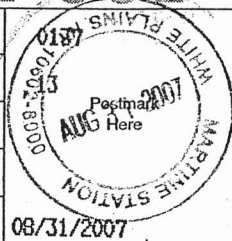
7002 2030 0007 8572 9143

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

EAST MEADOW NY 11554

Postage	\$	\$0.58
Certified Fee		\$2.65
Return Receipt Fee (Endorsement Required)		\$2.15
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.38



Sent To *John McFadden*
 Street, Apt. No. or PO Box No. *472 Clearmeadow Drive*
 City, State, ZIP+4 *East Meadow NY 11554*

PS Form 3800, June 2002

See Reverse for Instructions

John McFadden
472 Clearmeadow Drive
East Meadow,
NY 11554

ment services jobs National & Premier Accounts
 © 2007 USPS. All Rights Reserved. Terms of Use Privacy Policy

THIS SECTION

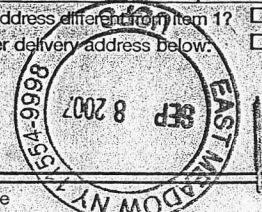
and 3. Also complete delivery is desired. address on the reverse the card to you. back of the mailpiece, e permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Address
 B. Received by (Printed Name) *JOHN MCFADDEN* C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below.

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



2. Article Number (Transfer from service label) 7002 2030 0007 8572 9143

PS Form 3811, August 2005 Domestic Return Receipt

102595-02-M-1

Elena Ruth Sassower

16 Lake Street, Apartment 2C
White Plains, New York 10603

Tel. (914) 949-2169
Fax (914) 428-4994

September 30, 2007

John McFadden
472 Clearmeadow Drive
East Meadow, New York 11554

Dear John,

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As previously stated, please deduct the further \$115 from the monies I laid out years ago for purchase and installation of the stove and refrigerator in the good faith belief that these would come off the ultimate sale price of the apartment.

If you prefer, you may also deduct the \$115 from the \$1,660 I paid you for occupancy in June 2006. As you know, throughout that month, I was deprived of fair use and enjoyment of the apartment by reason of the major renovations and repairs you unilaterally arranged for and insisted upon, with the promise that you would thereafter negotiate with me the apartment sale.

Thank you.

Elena

Enclosure

ELENA RUTH SASSOWER		1-8168	400
16 LAKE STREET, APT. 2C		210	
WHITE PLAINS, NY 10603-3832		75345898	
		DATE <u>9/30/07</u>	
PAY TO THE ORDER OF <u>John McFadden</u>		\$ <u>1,660</u> ^{XX} / ₀₀	
<u>One thousand + Six Hundred +</u>		DOLLARS	
<u>Sixty Dollars + No Cents</u>			
citibank			
<small>CITIBANK, N.A. BR. #168 444 MAMARONECK AVENUE WHITE PLAINS, NY 10605</small>			
MEMO <u>2C</u>		<i>Elena Ruth Sassower</i>	
⑆021000089⑆ 75345898⑆ 0400			

*** TX REPORT ***

TRANSMISSION COMPLETED

TX/RX NO 0204
DESTINATION NUMBER 12129496310
DESTINATION ID
ST. TIME 10/08 16:52
TIME USE 01'13
PAGES SENT 6
RESULT OK

Elena Ruth Sassower

*16 Lake Street, Apt. 2C
White Plains, New York 10603*

E-Mail: elenaruth@aol.com

Tel. (914) 949-2169

Fax (914) 428-4994

BY FAX: 212-949-6310 (6 pages)

October 8, 2007

Leonard A. Sclafani, Esq.
18 East 41st Street, Suite 1500
New York, New York 10017

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